

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6994

BILL NUMBER: HB 1202

NOTE PREPARED: Jan 1, 2010

BILL AMENDED:

SUBJECT: Liability for Use of School Bus Safety Belts.

FIRST AUTHOR: Rep. Smith M

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill provides that a school corporation or an employee of, volunteer for, or independent contractor who performs services for a school corporation is not liable for an injury to or the death of a passenger on a school bus equipped with safety belts if the passenger:

- (1) was required to and instructed on the proper way to wear a safety belt and the injury to or death of the passenger was caused by the passenger not wearing a safety belt or wearing a safety belt in an improper manner; or
- (2) was not required to wear a safety belt and the injury to or death of the passenger was caused by the passenger wearing a safety belt in an improper manner.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: There are no data available to indicate how many school corporations or its employees, volunteers, or independent contractors would not be subject to a civil suit if the liability of the school corporation is limited concerning damages caused by the use of school bus safety belts. Court fees for civil actions would not be collected.

When a civil action occurs and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance

adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: School corporations and specified individuals would not be held liable in certain situations involving school bus accidents.

Explanation of Local Revenues: When a civil action occurs, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: School corporations.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.